

Remarks

Reconsideration and allowance of the above identified application is respectfully requested.

In the Office Action dated 8/27/2004 the Examiner rejected pending claims 1-6 and 16 under 35 USC 102 as anticipated by EP 45015. Claims 1-17 were further rejected under 35 USC 102 as anticipated by EP 1036495 and EP 1179292. The Office Action and the references cited therein have been carefully considered and the above amendment is presented in an effort to advance prosecution of the application.

Applicant has amended claim 1 to specify that the stalk divider is pendulously connected to the intake arrangement. This limitation was previously set forth in claim 5.

The Examiner rejected claims 1-6 and 16 as anticipated by EP 45015A1 (Doll). Figure 2 of Doll shows two possible positions for the stalk divider. In both positions, the stalk divider is secured against displacement. Thus there is no teaching or suggestion of movement of the stalk divider during the harvesting operation. Furthermore there is no teaching or suggestion that the stalk divider is pendulously connected to the intake arrangement, as now set forth in claim 1. The mounting 48 disclosed in Doll, as best understood, is not pendulous.

The Examiner rejected claims 1-17 as anticipated by EP 1036495 (Welsch). In Welsch, the stalk divider is pivoted around an axis about 45 degrees against the vertical between an operative and an inoperative position. During harvesting, the crop divider is in a fixed position and can not move. Furthermore there is no teaching or suggestion that the stalk divider is pendulously connected to the intake arrangement, as now set forth in amended claim 1.

The Examiner rejected claims 1-17 as anticipated by EP 1179292 (Klotz). In Klotz, the stalk divider is moved laterally when the header is brought from a transport position into a work position. During harvesting, the stalk divider is in a fixed position and can not move. Furthermore there is no teaching or suggestion that the stalk divider is pendulously connected to the intake arrangement, as now set forth in amended claim 1.

Thus, the stalk divider as defined in amended Claim 1, and in claims 2-17 which depend from claim 1, is not taught or suggested in the cited references, either

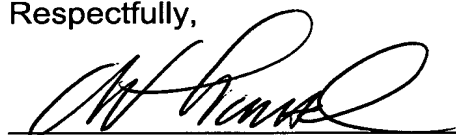
singly or in combination. Specifically, for example, there is no teaching or suggestion in Doll, Welsch or Klotz that the "stalk divider is pendulously connected to the intake arrangement" as now set forth in Claim 1.

A supplemental Disclosure Statement is submitted concurrently herewith. The references cited on the attached PTO 1449 were cited in a Search Report dated 4/16/2004 for the co-pending EP application EP 1 397 951. US 3812661, for example, does not teach a stalk divider that is pendulously connected to the intake arrangement.

It is therefore believed that the rejection of all the claims should be withdrawn and that this application is in condition for allowance. Such allowance is respectfully requested.

Any fees or charges due as a result of filing of the present communication may be charged against Deposit Account 04-0525.

Respectfully,

A handwritten signature in black ink, appearing to be 'M. Trausch', written over a horizontal line.

Attorney for Applicant(s)

A. Nicholas Trausch
Reg. No. 30,430
Patent Department
Deere & Company
One John Deere Place
Moline, IL 61265
Telephone No. (309) 765-5543